

This matrix summarizes new sanctuary regulations and changes to existing regulations proposed as part of the Jmpr. For the most accurate and complete version of the regulations as proposed, please refer to the full text of the regulatory language, as printed in the *Federal Register* on October 6, 2006. This *Federal Register* entry is available at <http://www.sanctuaries.nos.noaa.gov/jointplan/drafts/proposed.html>.

Updated 10/5/06

<b>Monterey Bay NMS Proposed Regulation Changes</b>			
<b>Issue</b>	<b>Proposed Regulation</b>	<b>Rationale</b>	<b>Expected Effect on Users</b>
<b>Introduced Species</b>	Prohibit the introduction or release within or into the Sanctuary of nonnative species, except striped bass released during catch and release fishing activity.	Increases protection to native Sanctuary biodiversity and ecosystem integrity. Striped bass are exempt since they are a CDFG managed fishery.	No adverse effect on current lawful uses within the Sanctuary.
<b>Cruise Ship Discharge</b>	Prohibit discharging or depositing, from within or into the Sanctuary, any material or matter from a cruise ship other than engine cooling water, vessel generator cooling water, or anchor wash.  <i>Cruise ship means a vessel of 250 or more passenger berths for hire.</i>	Increases protection to Sanctuary resources by eliminating large volumes of potentially harmful and hazardous discharges from an increasing number of cruise ships in and out of the San Francisco and Monterey Bay areas.	Cruise ships have the ability to hold their waste until they are out of the Sanctuary and so will not be unduly impacted as they pass through. The regulation also includes exemptions for anchor wash and generator cooling water while at anchor.
<b>Vessel Discharges (exemptions)</b>	Clarify that the discharge prohibition exempts vessel generator cooling water, anchor wash, and clean bilge water (meaning not containing harmful matter as defined).	Increases protection to Sanctuary resources by eliminating potentially hazardous and harmful discharges from all vessels.	This is a clarification of the status quo and would not have an impact on users.
<b>Vessel Discharges (Marine Sanitation Devices (MSDs))</b>	Clarifies that discharges allowed from marine sanitation devices apply only to Coast Guard approved Type I and Type II marine sanitation devices (MSDs) (no raw sewage dumping). Also requires that discharge valves be locked to prevent the discharge of untreated sewage.	Minimizes the discharge of hazardous materials that could harm wildlife; Clarifies the MSD exemption so that boaters know what type of discharges from MSD are prohibited; increases protection to Sanctuary resources by eliminating the discharge of inadequately treated sewage from vessels; provides consistency among all three sanctuaries (and with CINMS).	The MSD requirement is a clarification of the status quo and would not have an effect on users.  The requirement that valves be locked would result in a minimal impact on boaters.

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<b>Davidson Seamount</b>	Add a 585 nm <sup>2</sup> area around Davidson Seamount to the Sanctuary and include regulations to protect water column and benthic habitat (fishing below 3000 feet is prohibited by NOAA Fisheries). This increases the size of the existing Sanctuary by 14.6%.	Adds the Davidson Seamount to the existing MBNMS boundary and provides protection for sensitive benthic habitats.	There are relatively few users of this area. Vessels passing through the area would be subject to Sanctuary discharge requirements. Fishermen would not be impacted since fishing is exempt from the Sanctuary prohibition on disturbance of the seabed (However, fishing below 3000 feet at Davidson is prohibited by NOAA Fisheries). Research activities could also be impacted, however, could be accommodated through the permit process.
<b>Motorized Personal Water Craft (MPWC)</b>	Correct the definition of motorized personal watercraft (MPWC) in order to prohibit their use outside the established MPWC zones in the Sanctuary. This was the intent during the original Sanctuary designation; however, three seat craft are not included in the old definition and are thus currently able to operate outside the MPWC zones.	The correction to the MPWC definition corrects a loophole that has existed since just after Sanctuary designation. This will restrict all MPWC (not just 1 or 2 seaters) to the existing 4 MPWC zones. These high speed, highly maneuverable craft are intended to be restricted to these areas in order to prevent the disturbance of nearshore wildlife.	MPWC users would be required to operate in one of the four MPWC zones in the Sanctuary established in 1992. Tow-in surfing would be directly impacted as these designated areas are placed away from shore to reduce wildlife disturbance. Permitting could be considered at Mavericks.
<b>Shark Attraction</b>	Prohibit attracting white sharks within the Sanctuary.	Extends the existing prohibition from state waters to include all federal waters; also makes it consistent with proposed GFNMS regulation.	This regulation could affect adventure tourism companies and researchers seeking to attract white sharks. However, the majority of the impact on these two groups occurred in 1996 when the Sanctuary prohibited shark attraction in state waters. The expansion of this regulation into federal waters would have little impact. Sanctuary permits for shark attraction may be issued for a viable research, educational or management purpose.

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<b>Deserting a Vessel</b>	Prohibit deserting a vessel around, at anchor, or adrift in the Sanctuary; or leaving harmful matter aboard a grounded or deserted vessel in the Sanctuary. Vessels adrift, aground or at anchor are determined to be abandoned if conditions involving reasonable notice or attempts at notification are met. Please see the regulations for more details.	This would provide a means of preventing harm to Sanctuary resources before it occurs by reducing the number of vessel groundings and the types of harmful discharges that they can result in.	Most users of the Sanctuary would not be impacted by this regulation. However, those who have abandoned their vessels either at anchor, or adrift can now be compelled to remove them. This is already true for vessels aground. Vessel owners can also be compelled to remove harmful matter from abandoned vessels.
<b>Possessing Historical Resources</b>	Prohibit possessing or attempting to possess Sanctuary historic resources except as incidental to kelp harvesting, traditional fishing or aquaculture.	The existing regulation prohibits moving or injuring historic resources but does not regulate possessing. This would prohibit the possession of a Sanctuary historical resource regardless of where it has been removed (i.e. a harbor).	Most users will not be impacted by the expansion of this prohibition. This change primarily allows for improved enforcement of current regulations.
<b>Dredge Disposal</b>	The location of a particular dredge disposal site (SF-12) is being clarified. Other dredge disposal sites that predated the designation of the Sanctuary are being codified.	These dredge disposal sites allow for the discharge of dredge materials, allowing for maintenance of the harbors adjacent to the Sanctuary. The regulations will now codify these pre-existing sites and will clarify their locations.	This regulation will not negatively impact users of the Sanctuary. It provides clarification and guidance to harbors that need to dispose of dredge materials as part of their harbor maintenance.
<b>Technical Changes</b>	Various minor wording changes.	Clarify minor boundary discrepancies; replace the term “seabed” with “submerged lands;” and slightly modify reg. relating to “taking” wildlife.	No impact.